

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 213, 2012

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 06/04/2012

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillors Mansfield, Adamson, Barth, Hickman, Lutz and Hunter

DIGEST: establishes Domestic Partnership and provides equitable benefits for Consolidated City and County employees who are in a domestic partnership

SOURCE:

Initiated by: Councillor Mansfield

Drafted by: Councillor Mansfield

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: May 31, 2012

CITY-COUNTY GENERAL ORDINANCE NO. , 2012

A PROPOSAL FOR A GENERAL ORDINANCE to amending the Revised Code of the Consolidated City and County, Title I, Organization and Administration, by adding new Sec. 291-500 et. seq., Domestic Partnership to extend city and county employees' benefits to such employees' domestic partners.

WHEREAS, the City-County Council hereby declares that it is in the best interests of the Consolidated City and County to provide equitable benefits to all married and unmarried employees of the Consolidated City and County who are in a Domestic Partnership, irrespective of whether they are same-sex couples or different-sex couples; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title 4 Chapter 291 of the Revised Code of the Consolidated City and County, regarding personnel, is hereby is amended to add Sec. 291-500 et. seq. by the addition of a new ARTICLE V, to read as follows:

Sec. 291-501. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this Section.

Basic living expenses means the cost of basic food and shelter. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the costs.

Declaration of domestic partnership means a form provided by the human resources division of the office of finance and management that creates a domestic partnership when signed by domestic partners. By signing it, two persons attest, under penalty of perjury, that they both meet all of the requirements of domestic partners as provided in Section 281-504 291-501.

a. ~~"Domestic Partnership." Domestic Partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, who have shared a residence for at least 365 days, and who have agreed to be jointly responsible for basic living expenses incurred during the Domestic Partnership. They must sign a Declaration of Domestic Partnership.~~

Domestic partners means two adults who meet the following requirements:

(1) Both adults have chosen to share one another's lives in an intimate and committed relationship of mutual caring;

(2) Both adults currently share a primary residence.

(3) Both adults have shared a primary residence for the preceding 365 days;

(4) Both adults are jointly responsible for basic living expenses, as demonstrated by a signed declaration of financial interdependence and by providing ~~two (2)~~ three (3) proofs of the following criteria to the satisfaction of the Human Resources Division, if and when requested:

a) Joint ownership of a primary residence or joint tenancy of a residential lease;

b) Copy of utility (water, gas, or electric) invoice listing both domestic partners;

c) Joint ownership of an automobile;

d) Joint bank or credit account;

e) Joint liabilities (e.g. credit cards or loans, etc.);

f) A will or trust designating the domestic partner as primary beneficiary;

g) A retirement plan or life insurance policy beneficiary designation form designating the domestic partner as primary beneficiary;

h) A signed durable power of attorney to the effect that the employee and the domestic partner have granted powers to one another;

i) Copies of each domestic partner's driver's license that indicates the same address;

~~j) Copies of each domestic partner's passport that indicates the same address;~~

(5) Both adults have been jointly responsible for living expenses during the preceding 365 days; and

(6) Neither adult is currently married.

Domestic partnership means a relationship conferring benefits described in Sec. 291-503 between domestic partners who have signed a declaration of domestic partnership as provided in this article.

b. ~~"Shared a residence."~~ "Share a residence" *Share a primary* residence means that two people persons share the same primary living quarters. It; however, it is not necessary that the legal right to possess the living quarters be in both of their names. Two people persons may live together even if one or both have additional living quarters.

c. ~~"For at least 365 days."~~ Domestic Partners must declare under penalty of perjury that they have shared a residence for a minimum of 365 days prior to applying for Domestic Partnership benefits.

d. ~~"Basic Living Expenses."~~ "Basic living expenses" means the cost of basic food and shelter. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the costs.

e. ~~"Declaration of Domestic Partnership." A "Declaration of Domestic Partnership" is a form provided by the Human Resources Office. By signing it, two people attest, under penalty of perjury, that they have shared a residence for at least 365 days and agree to be jointly responsible for basic living expenses which they incur during the Domestic Partnership. They also state that they met the definition of Domestic Partnership when they signed the statement and that neither is married.~~

Sec. 291-502. Establishing a Domestic Partnership.

a. Two persons may establish a domestic partnership by ~~presenting~~ submitting a signed declaration of domestic partnership to the human resources ~~Office~~ division of the office of finance and management, which ~~will keep it~~ shall maintain such declaration on file and give the ~~partners~~ two persons a copy showing that ~~the D~~ such declaration was filed.

b. Anyone barred from marrying in Indiana under I.C. ~~Sections 31-11-1-2 through 31-11-1-4~~ is likewise barred from entering into a domestic partnership ~~for the purposes of benefits under this article.~~

Sec. 291-503. Benefits.

Benefits ~~that are~~ available to domestic partners ~~are~~ shall be identical to those available to spouses. Such benefits include, but are not limited to, insurance coverage, pension benefits, and family/medical leave. Benefits for the children of an employee's domestic partner ~~are~~ shall be equal to those of the children of the spouse of an employee. The submission of a domestic partnership declaration is understood to be a qualifying event for purposes of enrolling a domestic partner in an insurance plan.

Sec. 291-504. ~~Ending the~~ Termination of a domestic partnership.

(a) A domestic partnership terminates when at least one of the domestic partners no longer qualifies as a domestic partner as that term is defined in Section 291-501.

(b) When If a domestic partnership ends, the city/county employee must ~~inform~~ submit written notice to the human resources ~~office~~ division of the office of finance and management ~~in writing~~ within thirty-one (31) days after the termination of the domestic partnership. The notice must be dated and signed under penalty of perjury. The employee must also send a copy of the notice to ~~the other~~ his or her former domestic partner.

(c) An employee's former domestic partner ~~will~~ shall have the same rights to purchase continuing insurance as the former spouse of an employee. Submission of the ~~written notice of termination described above~~ shall be considered a qualifying event for purposes of the non-employee partner's right to continue coverage for ~~themselves~~ himself or herself and/or ~~their~~ his or her eligible dependant(s).

Sec. 291-505. Tax Liability.

Because a domestic partnership is not a legally recognized relationship by either the U.S. Internal Revenue Service or the Indiana Department of Revenue, an employee will be taxed on benefits provided to ~~her or his~~ or her domestic partner. The employee ~~is~~ shall be solely responsible for paying these taxes.

SECTION 2. ~~Section 291-208 of the Revised Code of the Consolidated City and County, specifically Sec. 291-208 regarding death leave is hereby is amended by inserting the addition of the language that is underlined~~ scored text, to read as follows:

Sec. 291-208. Death leave.

Upon the death of a member of the immediate family, i.e., spouse, domestic partner, mother, father, son, daughter, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter or other relative who was residing with the employee, an employee will receive a maximum of three (3) working days' leave with pay. The appropriate official has discretion to grant three (3) days for leave to be charged against any earned leave time for a death of someone other than those listed above. Documentation of the appropriate circumstances may be required of the employee, e.g., death certificate or article. Additional time off to be charged to earned leave time if available, or without

pay may be granted at the discretion of the city or county office, department, division, bureau or commission. Temporary and seasonal employees are not eligible for paid death leave.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in full force and effect ~~beginning July 1, 2012 after adoption from~~ and after its passage by the council or January 1, 2013, whichever last occurs, and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2012, at _____ p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2012, at 10:00 a.m.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2012.

Gregory A. Ballard, Mayor